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From: Goldmann, Elizabeth
Sent: Mon 6/22/2015 10:32:04 PM
Subject: EPA/ADEQ timeline: Section 401 Water Quality Certification for the proposed Rosemont Mine

Nancy – Here is an EPA/ADEQ timeline regarding the Section 401 Water Quality Certification for the proposed Rosemont Mine.

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Overview of 401 Water Quality Certification for the proposed Rosemont Mine

2011 -2014: EPA had regular conference calls with ADEQ regarding the proposed Rosemont Mine and the state’s review of the project pursuant to §401 CWA.

April 7, 2014 : EPA provided formal comments to ADEQ on the Draft Section 401 Water Quality Certification.

Ex. 5 - Deliberative Process

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Our specific concerns are as follows:

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April 14, 2015: In a letter to Colonel Colloton, Corps, Jared Blumenfeld requested the Corps consider “other water quality aspects” when making the §404 permit decision pursuant to the Corps’ public interest review at 33 CFR 320.4(d) and compliance with 40 CFR 230.10(b)(1). The letter states the certification is unlikely to provide sufficient measures to safeguard the water quality of Cienega Creek watershed and noted there are impacts of the project which may be outside the scope of the state’s §401 certification review.

May 18, 2015: Letter from Hudbay to the Corps objecting to EPA’s letter to the Corps dated April 14, 2015.

June 12, 2015: ADEQ letter to EPA disagreeing with EPA’s assessment of the 401 water quality certification, but also noting that there are issues outside the scope of what ADEQ is legally authorized to consider under Arizona state law.

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401 Draft Water Quality Certification Summary (February 3, 2015)

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In their **General Conditions**, ADEQ may request the Corps suspend, modify or revoke the CWA 404 permit if the 401 Cert. has been violated.

The certification also contains **Specific Conditions** including a Surface Water Mitigation Plan, Stormwater Management Plan and a plan to manage Sediment Loads.

Surface Water Mitigation Plan dated December 2014

Key Elements:

●**General Monitoring Component:** No monitoring is required under 401 Certification to maintain compliance, but RM proposes to provide ADEQ with the results and analysis conducted under other agency requirements (USFS).

●**Site Specific Data Review and Modeling Component:** This describes the surface water model **to be developed** in the future for the project.

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